

## **REMARKS/ARGUMENTS**

Claims 1-21 are pending in the present application. Claims 1-5, 6-14 and 16-21 have been amended herewith. Reconsideration of the pending claims is respectfully requested.

### **I. 35 U.S.C. § 101**

Claims 17-21 stand rejected under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. This rejection is respectfully traversed.

In rejecting Claims 17-21, the Examiner alleges such claims are non-statutory as the media is 'incapable of being touched or perceived absent the statutory medium through which they are conveyed'. Applicants have amended independent Claim 17 to address this concern, as such claim now recites that both the medium (computer readable medium) and the program product are tangible (and therefore capable of being perceived).

Therefore, the rejection of Claims 17-21 under 35 U.S.C. § 101 has been overcome.

### **II. 35 U.S.C. § 103, Obviousness**

Claims 1-21 stand rejected under 35 U.S.C. § 103 as being unpatentable over MacGregor (U.S. Publication No. 2005/0102382), hereinafter "MacGregor" in view of Johnson (U.S. Publication No. 2003/0050983), hereinafter "Johnson". This rejection is respectfully traversed.

Generally, Claim 1 is directed to a gateway that performs a dual-translation function, whereby a received event is translated into a new format which is then translated into (a plurality of) an event management system format(s). As can be seen, there are two translations that occur – a first translation to a new format followed by a second translation to (a plurality of) an event management system format. It is urged that none of the cited references teach a gateway that performs a dual-translation function. The Examiner cites MacGregor page 1, paragraph 0008 as teaching both the translating to a new format and translating into an event management system format (see page 3 of the present Office Action dated February 25, 2008). Applicants urge that this cited passage only describes a *single* translation into a 'single format'. Thus, it is urged that Claim 1 has been erroneously rejected as a proper prima facie case of obviousness has not been established by the Examiner. Applicants have in any event amended Claim 1 to further emphasize/clarity such gateway dual-translation functionality.

Further with respect to Claim 1, such claim recites that the (translated) event is translated to a plurality of different events. In rejecting Claim 1, the Examiner acknowledges that MacGregor does not teach such single-to-multiple event translation, but alleges that the cited Johnson reference teaches this claimed feature in Figure 1 and related discussion. Applicants urge that Johnson states at page 5,

paragraph [0075] that an External Event Processor re-formats received *events* (plural) for multiple *clients* (plural). This is a many-to-many translation, where multiple events are translated for multiple clients. When describing further details of such translation, and in particular when describing the translating of a *single* event, Johnson only describes that this translation is for a *single* client (Johnson page 6, paragraph [0135]; page 9, paragraph [0211]) – which is a one-to-one translation. In contrast, per the features of Claim 1, a one-to-many translation is recited, where *one* event (the translated event) is translated to a *plurality of different formats*. Thus, it is further shown that a proper prima facie showing of obviousness has not been established – as none of the cited references teach or suggest a one-event to many-event translation (“translating the translated event by the gateway into a plurality of different event management system formats to form a plurality of second translated events”) - and therefore it is further urged that Claim 1 has been erroneously rejected.

Still further with respect to Claim 1, it is urged that the two cited references have been improperly combined using impermissible hindsight analysis. In rejecting Claim 1, the Examiner states that it would have been obvious to combine these references since ‘this allows the event to be received by different types of clients’. Applicants urge that to the contrary, a person of ordinary skill in the art would not have been motivated to modify the MacGregor teachings in accordance with the Johnson teachings as the primary reference to MacGregor is keen on providing a single format (MacGregor page 1, paragraph [0008]), and thus a person of ordinary skill in the art would not have been motivated to modify the MacGregor teachings to translate an event to *multiple* formats for different clients as MacGregor is keen on providing just the opposite feature - where a *single* format is used due to MacGregor’s expressed desire in providing a common distributed interface to the management data (MacGregor page 1, paragraph [0006]). This common distributed interface is desired such that a traditional instant message system with an IM server and standard IM clients can be used to facilitate information exchange (MacGregor page 3, paragraph [0035]; Figure 4). Thus, the only reason for making this combination - which would in effect negate the entire fundamental premise that MacGregor is otherwise attempting to provide - must be coming from Applicants’ own Specification/Claims, which is impermissible hindsight analysis, and evidence that a person would not have been motivated to make such combination.

Thus, it is urged that Claim 1 has been erroneously rejected using an impermissible combination of references, and even when such references have been improperly combined, there are still missing claimed elements (as described above) – strongly evidencing non-obviousness of Claim 1.

Applicants initially traverse the rejection of Claims 2-21 for similar reasons to those described above with respect to Claim 1.

Further with respect to Claim 2, Applicants have amended such claim in accordance with the Specification description at page 15, lines 3-13. As amended Claim 2 further defines details pertaining to

event correlation, in that such correlation is rules-based using a rule base in the gateway to thereby advantageously provide substantial correlation flexibility within the gateway itself. It is urged that none of the cited references teach or suggest such rule-based correlation within a gateway, as per the features of amended Claim 2. Thus, it is further urged that amended Claim 2 is not obvious in view of the cited references.

Claim 4 has been amended to further define characteristics of the gateway configuration file, whereby the configuration file specifies both the output formats as well as which plug-in(s) to use (Specification page 16, lines 13-19). Because the cited MacGregor reference teaches a distributed system whereby a plurality of individual network cells (Figure 2, elements 81, 83 and 89), it would not be practical or desirable to use a centralized configuration file in a gateway to specify a plurality of different translation formats. Thus, it is further urged that amended Claim 5 is not obvious in view of the cited references.

Claim 5 has been amended in accordance with the Specification description at page 19, lines 1-11, where the appropriate event management format is selected after being correlated in the gateway. None of the cited references teach or suggest selecting a format based on correlation by a gateway, and thus it is further urged that amended Claim 5 is not obvious in view of the cited references.

Further with respect to Claims 7 and 17, Applicants have amended such claims in accordance with the Specification description at page 12, lines 16-21; page 15 lines 1-13; page 19, lines 1-2 and 23-27; and Figure 7, element 712. It is urged that none of the cited references teach or suggest *correlation* of an event received and translated by a gateway at the *same gateway* that performed the translation. Instead, Johnson states that the network cells (alleged to be equivalent to the claimed gateway) include software to acquire, store, calculate and disseminate network and service level management information (paragraph [0030]). The MacGregor correlation is provided by a different aspect of the system – the one or more instant messaging ‘group chat’ environments at a data warehouse (MacGregor paragraph [0008] and [0022]). In addition, due to MacGregor’s underlying architecture, whereby data is translated remotely at the actual client that is providing data, there is no mechanism that would allow for data correlation of translated data at such remote client locations as the cells that provide such translation are mere software routines with only transitory data processing capabilities (MacGregor paragraph [0027]). Thus, it is further urged that Claims 7 and 17 are not obvious in view of the cited references.

Further with respect to Claim 8, such claim recites “wherein the event that is translated into a vendor specific form is in the vendor neutral form prior to such vendor specific form translation”. As can be seen, the particular order of translation formats for the dual-translation process is specified per the features of Claim 8. It is urged that none of the cited references teach or suggest a translation to a neutral

format followed by a translation to a vendor specific form. Thus, it is further urged that Claim 8 is not obvious in view of the cited references.

Applicants traverse the rejection of Claims 9-21 for similar reasons to those given above with respect to Claims 1-8.

Therefore, the rejection of Claims 1-21 under 35 U.S.C. § 103 has been overcome.

### **III. Conclusion**

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: September 17, 2008

Respectfully submitted,

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